

Law Enforcement Officers Training and Equipment Fund

SUBCHAPTER 1. SCOPE AND DEFINITIONS

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13:1A-1.1 Purpose and scope

The purpose of this chapter is to provide for the administration of the Law Enforcement Officers Training and Equipment Fund. The Fund is created under the provisions of P.L. 1996, c.115, to support the development and provision of basic and in-service training courses for law enforcement officers. Monies from the Fund may also assist with the purchase of equipment to be used for the training of law enforcement officers. This chapter will govern the disbursement by allocation or award of monies from the Fund and the expenditure of monies that have been allocated or awarded.

13:1A-1.2 Legal authority

Under the Act, the Police Training Commission is responsible for the administration of the Fund. This chapter will outline the Commission's obligations and responsibilities with respect to the Fund. This chapter is adopted under the Commission's authority as set forth in P.L. 1996, c.115 and N.J.S.A. 52:17B-71q.

13:1A-1.3 Definitions

The definitions found at N.J.A.C. 13:1-1.1 shall also apply to this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings unless the text clearly indicates otherwise.

"Act" means the Law Enforcement Officers' Protection Act, P.L. 1996, c.115.

"Allocation" means a disbursement of monies from the Fund by the Police Training Commission on the basis of a formula.

"Award" means a disbursement of monies from the Fund by the Police Training Commission following the evaluation of applications received from Commission-approved schools.

"Commission-approved school" means a school approved by the Police Training Commission to conduct basic courses.

"Equipment" means materials and supplies that are necessary for or supplemental to basic and in-service training courses. The term may include, but is not limited to, office equipment, athletic equipment, instructional equipment, training aids and training simulators.

"Fund" means the Law Enforcement Officers Training and Equipment Fund established under P.L. 1996, c.115.

"In-service course," in addition to the definition contained in N.J.A.C. 13:1-1.1, shall also mean any program or course of training conducted subsequent to a basic course which is designed to improve or enhance the abilities and skills of permanently appointed law enforcement officers.

"Instructional resources" means those items that are a part of or supplemental to the instructional process. The term may include, but is not limited to, textbooks, workbooks, audio and video tapes and discs, computer software, student handouts, prepackaged instructional materials, curriculum and curriculum guides, examinations and other similar items. It may also include such items as classroom furniture and stationery supplies.

13:1A-2.1 Fund parameters

(a) The Fund shall support:

1. The development and provision of basic courses by Commission-approved schools;
2. The development and provision of in-service courses by approved schools; and
3. The purchase of equipment deemed necessary for or supplemental to the development and provision of basic and in-service courses.

13:1A-2.2 Permissible uses

(a) Monies from the Fund shall be used to:

1. Acquire instructional resources necessary for or supplemental to the provision of basic and in-service courses conducted by Commission-approved schools;
2. Lease, rent or acquire equipment necessary for or supplemental to the provision of basic and in-service courses conducted by approved schools;
3. Acquire the services of a third party vendor to provide and implement in- service courses at approved schools;
4. Acquire the services of a third party vendor to assist with the development and implementation of instructional resources including, but not limited to, textbooks, curriculum and curriculum guides, examinations, video training tapes or other student material; and
5. Acquire technical and operational assistance or other expert and professional services to assist approved schools with the development and provisions of basic and in-service courses.

13:1A-2.3 Impermissible uses

- (a) Monies from the Fund shall not be used to defray those costs commonly associated with the routine operation and maintenance of facilities utilized by Commission-approved schools to conduct basic and in-service courses. In addition, monies from the Fund may not be used to fund capital improvements to facilities utilized by approved schools to conduct basic and in-service courses. Impermissible costs shall include, but not be limited to:
1. Indebtedness or obligations incurred due to the issuance of bonds or bond anticipation notes for capital improvements;
 2. The provision of basic utility services, but not including cable television or satellite television services;
 3. The provision of accidental, comprehensive or tort liability insurance for facilities utilized by approved schools or paid or volunteer staff employed by approved schools;
 4. Routine maintenance of facilities used by approved schools to conduct basic and in-service courses; and
 5. Wages, salaries, benefits and any other compensation related to the employment of instructional, administrative or support staff at approved schools.

13:1A-3.1 Distribution of applications

At least once each calendar year, the Commission shall decide whether to disburse monies from the Fund. The Commission may choose to forego disbursing monies from the Fund if the Commission determines that the Fund has not accumulated a sufficient amount of money to trigger the disbursement process. Should the Commission decide to make disbursements from the Fund, each Commission-approved school shall be eligible to receive an allocation of monies. In addition, the Commission shall provide each school director with the appropriate application forms for an award. Should the Commission decide not to disburse monies from the Fund, the Commission's decision shall be announced at a regular meeting of the Commission.

13:1A-3.2 Application for award

A school director may submit no more than one individual "Application for Award" on behalf of a Commission-approved school in each calendar year. In addition, each school director may be a party to no more than one joint "Application for Award" on behalf of an approved school in each calendar year. A joint application may be submitted where two or more school directors have identified instructional resources or equipment they believe will benefit their schools and because of the nature of the item or items, the purchase or use of the resources or equipment is best accomplished on a cooperative basis. Awards shall be made as set forth in N.J.A.C. 13:1A-4.3 and 4.4.

13:1A-3.3 Application forms

Applications for awards shall be submitted on forms provided by the Commission. Applications for awards shall include a budget detail, a description of the resource and/or equipment to be acquired and outline of how the items to be acquired will improve the delivery of law enforcement training. In addition, each school director shall provide such additional documentation as the Commission deems necessary to ensure that the acquisition of the resource and/or equipment is consistent with the Act and this chapter.

13:1A-3.4 Time limits

- (a) Applications for awards must be completed and returned by a school director within 60 days of the date of mailing to the following:

Police Training Commission
Division of Criminal Justice
PO Box 085
Trenton, New Jersey 08625-0085

- (b) Applications submitted to the Commission in advance of the deadline may be amended or withdrawn at any time prior to the deadline. Applications submitted following the deadline will not be eligible for consideration by the Commission.

13:1A-3.5 Decision not to file an application

A school director shall not be required to submit an application for an award of monies from the Fund in any particular calendar year.

13:1A-4.1 Allocations and awards

Monies that accumulate in the Fund may be distributed in the form of allocations and/or awards. The purpose of an allocation is to provide each Commission-approved school with a supplemental source of funding determined by the amount of training activity undertaken by the school. The purpose of an award is to fund, in whole or in part, the acquisition by one or more approved schools of specific resources and equipment that satisfy the criteria set forth in N.J.A.C. 13:1A-4.4. The Commission shall decide on a year to year basis what proportion of monies, if any, shall be disbursed as allocations and what proportion of monies, if any, shall be disbursed as awards.

13:1A-4.2 Allocation of monies from the Fund

- (a) The Commission may allocate monies from the Fund to any one or more Commission-approved schools in each calendar year. Each approved school shall be eligible to receive an allocation of monies from the Fund. Monies allocated from the Fund shall be used for one or more of the permissible uses outlined in N.J.A.C. 13:1A-2.2. The decision to allocate monies shall be made on the basis of a formula. The formula shall take into consideration one or more of the following factors to determine the amount of money to be disbursed to each applicant:
1. The number of approved schools during the previous calendar year;
 2. The number of trainees that were enrolled in basic courses at approved schools during the previous calendar year;
 3. The number of trainees that were enrolled in in-service courses at approved schools during the previous calendar year; or
 4. The number and type of basic or in-service courses that were conducted at approved schools during the previous calendar year.

13:1A-4.3 Award of monies from the Fund

The Commission may award monies from the Fund to any one or more Commission-approved schools or to the Commission's staff. The decision to award monies shall be made following a review and evaluation of each application for an award received by the Commission.

13:1A-4.4 Criteria for award of monies

- (a) In deciding to award monies from the Fund, the Commission shall take into consideration the following:
1. The extent to which an application satisfies the requirements of the Act and this chapter;
 2. The extent to which an application addresses any deficiencies identified by the Commission in the provision of basic and in-service courses;
 3. The extent to which an application responds to training priorities identified by the Commission in the training of law enforcement officers;
 4. The extent to which an application shall improve the administration and implementation of basic and in-service courses;
 5. The extent to which an application shall incorporate new technologies and methodologies for providing basic and in-service courses; and
 6. The number of basic and in-service courses and/or trainees that may benefit from the project, resources, equipment and other items contained in an application.

13:1A-4.5 Refusal to allocate or award monies

- (a) The Commission may, in any given calendar year, decide for the reason expressed in N.J.A.C. 13:1A-3.1 not to disburse, in whole or in part, monies that accumulate in the Fund. In addition, the Commission may, in any given calendar year, decide not to:
 - 1. Allocate monies to one or more Commission-approved schools even if monies have been allocated to one or more other approved schools; and/or
 - 2. Award monies in response to one or more applications it receives even if monies were awarded in response to one or more other applications.
- (b) The Commission may award monies for one or more discrete items, pieces of equipment or projects contained in a particular application without being obligated to award monies to satisfy the remainder of the application.

13:1A-4.6 Disbursements to Commission staff

- (a) The Commission may order a disbursement of monies from the Fund to be made to its staff for the purpose of assisting one or more Commission-approved schools with the expenditure of monies awarded by the Commission. The Commission may order such disbursements when it concludes that the disbursement of monies to its staff:
 - 1. Will facilitate the acquisition of resources or equipment on behalf of one or more approved schools;
 - 2. Will expedite the acquisition of resources or equipment on behalf of one or more approved schools;
 - 3. Will permit resources or equipment to be purchased or acquired at terms more favorable than those that could be obtained if individual approved schools were to purchase or acquire the items; or
 - 4. The purchase or acquisition of resources or equipment will require a degree of coordination that cannot be achieved by one or more school directors acting individually.
- (b) In receiving a disbursement of monies from the Fund, Commission staff shall be acting on behalf of and for the benefit of the approved schools. All resources or equipment purchased or acquired by Commission staff with a disbursement of monies from the Fund shall be distributed to one or more approved schools.

13:1A-5.1 Membership

To assist with the administration of the Fund and the disbursement of monies from the Fund, the Commission shall establish a Law Enforcement Officers Training and Equipment Fund Committee. The committee shall consist of members of the Commission appointed by the Chairman. Each committee member shall serve at the pleasure of the Chairman.

13:1A-5.2 Responsibilities

- (a) The committee shall meet at least once each calendar year to:
 - 1. Assess the training needs of the law enforcement community as they relate to basic and in-service courses;
 - 2. Assess the need for equipment and instructional resources at Commission-approved schools;
 - 3. Establish training priorities for the law enforcement community for the following calendar year;
 - 4. Review the amount of monies that have accumulated in the Fund;
 - 5. Determine, if necessary, a formula for the allocation of monies from the Fund; and
 - 6. Review, if necessary, applications for awards received by the Commission.

13:1A-5.3 Recommendations and report

- (a) At least once each calendar year, the Committee shall prepare and present to the Commission a report that shall outline its assessment of the training needs of the law enforcement community as they relate to basic and in-service courses and the need for equipment and instructional resources at Commission-approved schools. The report shall also outline training priorities for the law enforcement community as identified by the Committee. The report may also recommend:
 - 1. The amount of money, if any, to be disbursed from the Fund;
 - 2. The proportion of monies, if any, to be disbursed in the form of allocations;
 - 3. The formula by which monies are to be allocated;
 - 4. The proportion of monies, if any, to be disbursed in the form of awards;
 - 5. Specific allocations for approved schools; and
 - 6. Specific awards.
- (b) In the event the Committee recommends that no monies be disbursed from the Fund, the reasons for the Committee's recommendation shall be included in its report.

13:1A-5.4 Review of Committee's report and recommendations

At its next regular meeting following receipt of the Committee's report, the Commission shall move to accept, reject or modify the Committee's report and recommendations. The Commission shall also order the appropriate disbursement of monies from the Fund.

13:1A-6.1 Disbursement of monies

Allocations and awards made by the Commission shall be disbursed by check made payable to the Commission-approved school or, where appropriate, the entity funding the operation of the approved school.

13:1A-6.2 Receipt of monies

Disbursements of monies from the Fund shall be deposited in a dedicated account established by the Commission-approved school or the entity funding the operation of the approved school. All interest and income earned on monies in the account is to remain with the account. Monies in the dedicated account shall not be commingled with any other accounts or monies at the disposal of the approved school.

13:1A-6.3 Expenditure of monies

- (a) Expenditure of monies from the dedicated account shall be made as follows:
 - 1. Expenditures that represent monies allocated by the Commission may only be made for equipment and resources that are consistent with the provisions of N.J.A.C. 13:1A-2.2; and
 - 2. Expenditures that represent monies awarded by the Commission may only be made for the equipment and instructional resources listed in the application that was approved by the Commission.
- (b) Any expenditure of monies other than as under (a) above is prohibited.

13:1A-6.4 Recordkeeping

Each Commission-approved school that receives a disbursement of monies from the Fund shall maintain records concerning the expenditure of those monies. These records shall include all purchase orders, contracts, invoices and receipts indicating the equipment and resources received together with the cost of the items. Each approved school that receives a disbursement of monies from the Fund shall provide the Commission with a report summarizing the expenditure of the monies within 180 days of receipt of the disbursement.

13:1A-6.5 Audits and inspections

The Commission shall have the right to conduct periodic audits of records maintained by Commission-approved schools relating to the disbursement of monies from the Fund. Audits shall be conducted for the purpose of ensuring that all expenditures made by an approved school

are consistent with the provisions of the Act and do not violate this chapter. The Commission shall also have the right to inspect and examine equipment and resources acquired with monies from the Fund to determine if the item or items has assisted with the development and provision of basic and in-service law enforcement training courses.

13:1A-6.6 Revocation of disbursements

Should the Commission determine that a school has disbursed monies received from the Fund in violation of this chapter, the Commission may order that the monies disbursed be returned to the Fund. In addition, the Commission may prohibit a school from receiving future allocations of monies from the Fund or submitting future applications for an award of monies from the Fund.